

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MITCHELL G. ZIMMERMAN,

Plaintiff,

v.

Case No. 21-cv-0209-bhl

GLENN BORNICK,

Defendant.

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**ORDER DENYING RECONSIDERATION**

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Mitchell G. Zimmerman, who is currently serving a state prison sentence at the Fox Lake Correctional Institution and representing himself, filed a complaint under 42 U.S.C. §1983, alleging that his civil rights were violated. On March 19, 2021, the Court dismissed this action based on the complaint's failure to state a claim upon which relief could be granted. Dkt. No. 7. A few weeks later, on April 5, 2021, Zimmerman filed a motion for reconsideration. Dkt. No. 9.

"Rule 59(e) allows a court to alter or amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence." *Obrieht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008) (citing *Sigsworth v. City of Aurora*, 487 F.3d 506, 511-12 (7th Cir. 2007)). Whether to grant a motion to amend the judgment "is entrusted to the sound judgment of the district court." *In re Prince*, 85 F.3d 314, 324 (7th Cir. 1996). Zimmerman's motion does not present newly-discovered evidence, so, under Rule 59(e), he is entitled to relief only if he can demonstrate that the Court's rulings constituted a manifest error of law. A "manifest error of law" "is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metropolitan Life Ins. Co.*,

224 F.3d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)).

Zimmerman has not demonstrated that the Court made a manifest error of law when it decided that he failed to state a claim. He merely restates the facts alleged in his complaint and details why he disagrees with the Court's analysis, concluding that the Court "is dead wrong in its determination to dismiss this case." Dkt. No. 9. But Zimmerman taking "umbrage with the court's ruling" is an insufficient basis for granting the relief he seeks, so the Court will deny his motion. *See Oto*, 224 F.3d at 606.

**IT IS THEREFORE ORDERED** that Zimmerman's motion for reconsideration (Dkt. No. 9) is **DENIED**.

Dated at Milwaukee, Wisconsin this 7th day of April, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge